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106TH CONGRESS
1ST SESSION

H. R. 1090

To amend title XVIII of the Social Security Act to exclude cancer treatment services from the prospective payment system for hospital outpatient department services under the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1999

Mr. GREEN of Texas (for himself, Mr. TOWNS, Mr. LATOURETTE, Mr. SHOWS, Mr. MEEHAN, Mr. GONZALEZ, Mr. FROST, Mr. PALLONE, Mr. NADLER, Mrs. MALONEY of New York, Mr. BENTSEN, Ms. DELAURO, Mrs. KELLY, Mr. LAFALCE, Mr. RODRIGUEZ, Mrs. MINK of Hawaii, Mr. RAHALL, Mr. FOLEY, Mr. WALSH, Mr. WYNN, Mr. KOLBE, and Mrs. EMERSON) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To amend title XVIII of the Social Security Act to exclude cancer treatment services from the prospective payment system for hospital outpatient department services under the Medicare Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; FINDINGS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 "Medicare Full Access to Cancer Treatment Act of 1999".
4 (b) FINDINGS.—Congress makes the following find-
5 ings:
6 (1) The treatment of cancer is complex and de-
7 pends on the differing needs of individual patients.
8 (2) Patients with cancer should have access to
9 the latest and most effective treatments available.
10 (3) Supportive care drugs are an integral and
11 necessary part of comprehensive quality cancer
12 treatment.
13 (4) The Medicare Program's payment policy
14 should respect the differing needs of cancer patients
15 and encourage the use of the most safe and effective
16 treatments in medically appropriate settings.
17 (5) The Medicare Program should not create fi-
18 nancial incentives that reward the use of older, less
19 effective drugs, that reward the use of inadequate
20 supportive care treatments, and otherwise undermine
21 the delivery and availability of safe and effective
22 cancer care.
23 (6) Any prospective payment system for services
24 furnished under the Medicare Program to Medicare
25 beneficiaries that is passed by Congress and imple-
26 mented by the Health Care Financing Administra-

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tion must not undermine the principles stated in paragraphs (1) through (5).

SEC. 2. PAYMENT FOR CANCER SERVICES EXCLUDED FROM HOSPITAL OUTPATIENT DEPARTMENT SERVICES PROSPECTIVE PAYMENT SYSTEM.

(a) IN GENERAL.—Section 1833(t)(1) of the Social Security Act (42 U.S.C. 1395l(t)(1)) is amended—

(1) in subparagraph (B), by striking "For" and inserting "Except as provided in subparagraph (C), for", and

(2) by adding at the end the following new subparagraph:

"(C) EXCLUDED SERVICES.—The term 'covered OPD services' does not include any of the following items and services:

"(i) OUTPATIENT CANCER TREATMENT.—Services consisting of any drug or biologic therapy as treatment, supportive care, or both for patients with cancer.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to payments under the Medicare Program for hospital outpatient department services made on or after the date of the enactment of this Act.

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